

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number   <input type="checkbox"/> Individual appearing without counsel <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</b>	
In re:          Debtor(s).	CHAPTER:  CASE NO.:  DATE: TIME: CTRM: FLOOR:

**NOTICE OF MOTION AND MOTION IN INDIVIDUAL CASE FOR ORDER CONFIRMING  
 TERMINATION OF STAY UNDER 11 U.S.C. § 362(j) OR THAT NO STAY IS IN EFFECT UNDER  
 11 U.S.C. § 362(c)(4)(A)(ii)  
 (with supporting declarations)  
 (MOVANT: \_\_\_\_\_)**

1. NOTICE IS HEREBY GIVEN to \_\_\_\_\_ the Debtor(s) and Trustee (if any), and affected creditors ("Responding Parties"), their attorneys (if any), and other interested parties that on the above date and time and in the indicated courtroom, Movant in the above-captioned matter will move this Court for an Order confirming termination of the stay or that no stay is in effect on the grounds set forth in the attached Motion.
  
2. **Hearing Location:**
☐ 255 East Temple Street, Los Angeles
 ☐ 411 West Fourth Street, Santa Ana  
☐ 21041 Burbank Boulevard, Woodland Hills
 ☐ 1415 State Street, Santa Barbara  
☐ 3420 Twelfth Street, Riverside
  
3. a. ☐ This Motion is being heard on REGULAR NOTICE pursuant to Local Bankruptcy Rule 9013-1. If you wish to oppose this Motion, you must file a written response to this Motion with the Bankruptcy Court and serve a copy of it upon the Movant's attorney (or upon Movant, if the Motion was filed by an unrepresented individual) at the address set forth above no less than 14 days before the above hearing and appear at the hearing of this Motion.
  
- b. ☐ This Motion is being heard on SHORTENED TIME. If you wish to oppose this Motion, you must appear at the hearing. Any written response or evidence must be filed and served:
  - ☐ at the hearing      ☐ at least \_\_\_\_\_ court days before the hearing.
  - (1) ☐ A Motion for Order Shortening Time was not required (according to the calendaring procedures of the assigned judge).
  - (2) ☐ A Motion for Order Shortening Time was filed per Local Bankruptcy Rule 9075-1(b) and was granted by the Court and such motion and order have been or are being served upon the Debtor(s), Trustee, and parties in interest.
  - (3) ☐ A Motion for Order Shortening Time has been filed and remains pending. Once the Court has ruled on that Motion, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached Motion and the deadline for filing and serving a written opposition to the Motion.
  
4. You may contact the Bankruptcy Clerk's Office to obtain a copy of an approved court form for use in preparing your response (*Optional Court Form F 4001-1M.RES*), or you may prepare your response using the format required by Local Bankruptcy Rule 1002-1.

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If you fail to file a written response to the Motion or fail to appear at the hearing, the Court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

Dated:

\_\_\_\_\_  
*Print Law Firm Name (if applicable)*

\_\_\_\_\_  
*Print Name of Individual Movant or Attorney for Movant*

\_\_\_\_\_  
*Signature of Individual Movant or Attorney for Movant*

In re   Debtor(s).	(SHORT TITLE)	CHAPTER:
		CASE NO.:

**MOTION FOR ORDER CONFIRMING TERMINATION OF STAY OR THAT NO STAY IS IN EFFECT**  
**(MOVANT: \_\_\_\_\_)**

**1. Case History:**

- a. ☐ A voluntary ☐ An involuntary petition concerning an individual(s) under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13  
 was filed concerning the present case on *(specify date)*:
- b. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13  
 was entered on *(specify date)*:
- c. ☐ Plan was confirmed on *(specify date)*:
- d. ☐ One or more single or joint bankruptcy cases filed by or against this Debtor were pending within the year preceding the petition date in this case. These cases and the reasons for dismissal are:
- Case Name:  
 Case Number: Chapter:  
 Date Filed: Date Dismissed:  
 Reason for Dismissal:  
 Relief from stay re this Movant ☐ was ☐ was not granted.
  - Case Name:  
 Case Number: Chapter:  
 Date Filed: Date Dismissed:  
 Reason for Dismissal:  
 Relief from stay re this Movant ☐ was ☐ was not granted.

☐ See attached continuation page

**2. Grounds for Order:**

- a. ☐ Under 11 U.S.C. § 362(j):
- ☐ A single or joint case filed by or against the debtor was pending but dismissed within the year ending on the petition date in this case;
  - ☐ The dismissed case was not a case refiled under a chapter other than Chapter 7 following dismissal under 11 U.S.C. § 707(b);
  - ☐ 30 days have elapsed since the filing of the Petition in the above-entitled case and no order has been entered continuing the stay;
  - ☐ An order under 11 U.S.C. § 362(j) confirming that the stay has been terminated is necessary and appropriate because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (attach continuation pages as necessary).
- b. ☐ Under 11 U.S.C. § 362(c)(4)(A)(ii):
- ☐ Two or more single or joint cases filed by or against the debtor were pending but dismissed within the year ending on the petition date in this case;
  - ☐ Neither of the dismissed cases were cases refiled under a chapter other than Chapter 7 after dismissal under 11 U.S.C. § 707(b);
  - ☐ An order under 11 U.S.C. § 362(c)(4)(A)(ii) confirming that no stay is in effect is necessary and appropriate because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (attach continuation pages as necessary).

In re	(SHORT TITLE)	CHAPTER:
	Debtor(s).	CASE NO.:

3. **Evidence in Support of Motion:** *(Important Note: Declaration(s) in support of the Motion MUST be attached hereto.)*
- ☐ Movant submits the attached Declaration(s) on the Court's approved forms (if applicable) to provide evidence in support of this Motion pursuant to Local Bankruptcy Rules.
  - ☐ Other Declaration(s) are also attached in support of this Motion.
  - ☐ Movant requests that the Court consider as admissions the statements made by Debtor(s) under penalty of perjury concerning Movant's claims and the Property set forth in Debtor's(s') Schedules. Authenticated copies of the relevant portions of the Schedules are attached as Exhibit \_\_\_\_\_.
  - ☐ Other evidence (*specify*):
4. ☐ **An optional Memorandum of Points and Authorities is attached to this Motion.**

**WHEREFORE, Movant prays that this Court issue an Order (*specify forms of relief requested*):**

- ☐ Confirming under 11 U.S.C. § 362(j) that the automatic stay has been terminated.
- ☐ Confirming under 11 U.S.C. § 362(c)(4)(A)(ii) that no stay is in effect.
- ☐ For other relief requested, see attached continuation page.

Dated:

Respectfully submitted,

\_\_\_\_\_  
*Movant Name*

\_\_\_\_\_  
*Firm Name of Attorney for Movant (if applicable)*

By: \_\_\_\_\_  
*Signature*

Name: \_\_\_\_\_  
*Typed Name of Individual Movant or Attorney for Movant*

### DECLARATION OF MOVANT

I, \_\_\_\_\_, the Movant herein, or officer of the Movant, declare that I have read the foregoing and pages attached, consisting of a total of \_\_\_\_ pages, and declare that the statements made therein are true of my own knowledge, or are based upon business records of the Movant kept in the ordinary course of Movant's business by persons whose duty it is to accurately record same at or near the time of the events recorded, and that I am one of the custodians of such records. That as to the dates, case numbers and reasons for dismissal of earlier cases, the statements are based upon the official records of the courts in the cases described hereinabove. Executed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Movant)

In re   Debtor(s).	(SHORT TITLE)	CHAPTER:
		CASE NO.:

### PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

1. I am over the age of 18 and not a party to the within action. My business address is as follows:

2. **Regular Mail Service:** On \_\_\_\_\_, pursuant to Local Bankruptcy Rule 9013-1, I served the documents described as: NOTICE OF MOTION and MOTION IN INDIVIDUAL CASE FOR ORDER CONFIRMING TERMINATION OF STAY UNDER 11 U.S.C. § 362(j) OR THAT NO STAY IS IN EFFECT UNDER 11 U.S.C. § 362(c)(4)(A)(ii) (with supporting declarations) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at \_\_\_\_\_, California, addressed as set forth on the attached list.

**NOTE:** If the Notice and Motion have been served pursuant to an Order Shortening Time ("Order"), you must file a Proof of Service that indicates that the notice and service requirements contained in the Order have been met.

3. **See attached list for names and addresses of all parties and counsel that have been served.** (In the manner set forth in Local Bankruptcy Rule 7004-1(b), specify capacity in which service is made; e.g., Debtor(s), Debtor's(s') Attorney, Trustee, Trustee's Attorney, Creditors Committee, or 20 largest unsecured creditors, etc.)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Signature